
SENATE BILL 5219

State of Washington 54th Legislature 1995 Regular Session

By Senators Smith, Roach, C. Anderson, Long, Haugen, McCaslin, Spanel,
Drew, Winsley, Kohl and Sheldon

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1 AN ACT Relating to domestic violence; amending RCW 26.50.030,
2 26.50.035, 26.50.040, 26.50.050, 26.50.060, 26.50.070, 26.50.080,
3 26.50.090, 26.50.095, 26.50.100, 26.50.110, 26.50.115, 26.50.125,
4 10.99.020, 10.99.030, 10.99.040, 26.09.050, 26.09.060, 26.10.040,
5 26.10.115, 26.26.130, 26.26.137, 4.24.130, and 10.14.080; reenacting
6 and amending RCW 26.50.010 and 10.31.100; adding new sections to
7 chapter 26.50 RCW; adding a new section to chapter 26.26 RCW; adding a
8 new section to chapter 10.14 RCW; creating new sections; and
9 prescribing penalties.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

11 **Sec. 1.** RCW 26.50.010 and 1992 c 111 s 7 and 1992 c 86 s 3 are
12 each reenacted and amended to read as follows:

13 As used in this chapter, the following terms shall have the
14 meanings given them:

15 (1) "Domestic violence" means: (a) Physical harm, bodily injury,
16 assault, or the infliction of fear of imminent physical harm, bodily
17 injury or assault, between family or household members; ~~((or))~~ (b)
18 sexual assault of one family or household member by another; or (c)

1 stalking as defined in RCW 9A.46.110 of one family or household member
2 by another family or household member.

3 (2) "Family or household members" means spouses, former spouses,
4 persons who have a child in common regardless of whether they have been
5 married or have lived together at any time, adult persons related by
6 blood or marriage, adult persons who are presently residing together or
7 who have resided together in the past, persons sixteen years of age or
8 older who are presently residing together or who have resided together
9 in the past and who have or have had a dating relationship, persons
10 sixteen years of age or older with whom a respondent sixteen years of
11 age or older has or has had a dating relationship, and persons who have
12 a biological or legal parent-child relationship, including stepparents
13 and stepchildren and grandparents and grandchildren.

14 (3) "Dating relationship" means a social relationship of a romantic
15 nature. Factors that the court may consider in making this
16 determination include: (a) The length of time the relationship has
17 existed; (b) the nature of the relationship; and (c) the frequency of
18 interaction between the parties.

19 (4) "Court" includes the superior, district, and municipal courts
20 of the state of Washington.

21 (5) "Judicial day" does not include Saturdays, Sundays, or legal
22 holidays.

23 (6) "Electronic monitoring" means a program in which a person's
24 presence at a particular location is monitored from a remote location
25 by use of electronic equipment.

26 NEW SECTION. Sec. 2. A new section is added to chapter 26.50 RCW
27 to read as follows:

28 If a party files an action under chapter 26.09, 26.10, or 26.26
29 RCW, an order issued previously under this chapter between the same
30 parties may be consolidated by the court under that action and cause
31 number; any order issued under this chapter after consolidation shall
32 contain the original cause number and the cause number of the action
33 under chapter 26.09, 26.10, or 26.26 RCW. However, relief under this
34 chapter shall not be denied or delayed on the grounds that the relief
35 is available in another action.

36 **Sec. 3.** RCW 26.50.030 and 1992 c 111 s 2 are each amended to read
37 as follows:

1 There shall exist an action known as a petition for an order for
2 protection in cases of domestic violence.

3 (1) A petition for relief shall allege the existence of domestic
4 violence, and shall be accompanied by an affidavit made under oath
5 stating the specific facts and circumstances from which relief is
6 sought. Petitioner and respondent shall disclose the existence of any
7 other litigation concerning the custody or residential placement of a
8 child of the parties as set forth in RCW 26.27.090.

9 (2) A petition for relief may be made regardless of whether or not
10 there is a pending lawsuit, complaint, petition, or other action
11 between the parties except in cases where the court realigns petitioner
12 and respondent in accordance with RCW 26.50.060(~~(+3)~~)(4).

13 (3) Within ninety days of receipt of the master copy from the
14 administrator for the courts, all court clerk's offices shall make
15 available the standardized forms, instructions, and informational
16 brochures required by RCW 26.50.035 and shall fill in and keep current
17 specific program names and telephone numbers for community resources.
18 Any assistance or information provided by clerks under this section
19 does not constitute the practice of law and clerks are not responsible
20 for incorrect information contained in a petition.

21 (4) A filing fee of twenty dollars shall be charged for proceedings
22 under this section. No filing fee may be charged for: (a) A petition
23 filed in an existing action or under an existing cause number brought
24 under this chapter in the jurisdiction where the relief is sought; or
25 (b) the transfer of a case from district or municipal court to superior
26 court under RCW 26.50.020(~~(+2)~~)(5). Forms and instructional brochures
27 shall be provided free of charge.

28 (5) A person is not required to post a bond to obtain relief in any
29 proceeding under this section.

30 **Sec. 4.** RCW 26.50.035 and 1993 c 350 s 2 are each amended to read
31 as follows:

32 (1) By July 1, 1994, the administrator for the courts shall develop
33 and prepare instructions and informational brochures required under RCW
34 26.50.030(4), standard petition and order for protection forms, and a
35 court staff handbook on domestic violence and the protection order
36 process. The standard petition and order for protection forms must be
37 used after September 1, 1994, for all petitions filed and orders issued
38 under this chapter. The instructions, brochures, forms, and handbook

1 shall be prepared in consultation with interested persons, including a
2 representative of the state domestic violence coalition, judges, and
3 law enforcement personnel.

4 (a) The instructions shall be designed to assist petitioners in
5 completing the petition, and shall include a sample of standard
6 petition and order for protection forms.

7 (b) The informational brochure shall describe the use of and the
8 process for obtaining a protection order, a no-contact order as
9 provided by RCW 10.99.040, a restraining order as provided by RCW
10 26.09.060, and an antiharassment protection order as provided by
11 chapter 10.14 RCW.

12 (c) The order for protection form shall include, in a conspicuous
13 location, notice of criminal penalties resulting from violation of the
14 order, and the following statement: "You can be arrested even if the
15 person or persons who obtained the order invite or allow you to violate
16 the order's prohibitions. The respondent has the sole responsibility
17 to avoid or refrain from violating the order's provisions. Only the
18 court can change the order upon written application."

19 (d) The court staff handbook shall allow for the addition of a
20 community resource list by the court clerk.

21 (2) All court clerks shall obtain a community resource list from a
22 domestic violence program, defined in RCW 70.123.020, serving the
23 county in which the court is located. The community resource list
24 shall include the names and telephone numbers of domestic violence
25 programs serving the community in which the court is located, including
26 law enforcement agencies, domestic violence agencies, sexual assault
27 agencies, legal assistance programs, interpreters, multicultural
28 programs, and batterers' treatment programs. The court shall make the
29 community resource list available as part of or in addition to the
30 informational brochures described in subsection (1) of this section.

31 (3) The administrator for the courts shall distribute a master copy
32 of the petition and order forms, instructions, and informational
33 brochures to all court clerks and shall distribute a master copy of the
34 petition and order forms to all superior, district, and municipal
35 courts.

36 (4) For purposes of this section, "court clerks" means court
37 administrators in courts of limited jurisdiction and elected court
38 clerks.

1 (5) ~~((The administrator for the courts shall arrange for~~
2 ~~translation of the instructions and informational brochures required by~~
3 ~~this section, which shall contain a sample of the standard petition and~~
4 ~~order for protection forms, into Spanish, Vietnamese, Laotian,~~
5 ~~Cambodian, and Chinese, and shall distribute a master copy of the~~
6 ~~translated instructions and informational brochures to all court clerks~~
7 ~~by January 1, 1995)) The administrator for the courts shall determine
8 the significant non-English-speaking or limited English-speaking
9 populations in the state. The administrator shall then arrange for
10 translation of the instructions and informational brochures required by
11 this section, which shall contain a sample of the standard petition and
12 order for protection forms, into the languages spoken by those
13 significant non-English-speaking populations and shall distribute a
14 master copy of the translated instructions and informational brochures
15 to all court clerks by January 1, 1997.~~

16 **Sec. 5.** RCW 26.50.040 and 1985 c 303 s 4 are each amended to read
17 as follows:

18 ~~((1) Persons seeking relief under this chapter may file an~~
19 ~~application for leave to proceed in forma pauperis on forms supplied by~~
20 ~~the court. If the court determines that a petitioner lacks the funds~~
21 ~~to pay the costs of filing, the petitioner shall be granted leave to~~
22 ~~proceed in forma pauperis and no filing fee or any other court related~~
23 ~~fees shall be charged by the court to the petitioner for relief sought~~
24 ~~under this chapter. If the petitioner is granted leave to proceed in~~
25 ~~forma pauperis, then no fees for service may be charged to the~~
26 ~~petitioner.~~

27 ~~(2) For the purpose of determining whether a petitioner has the~~
28 ~~funds available to pay the costs of filing an action under this~~
29 ~~chapter, the income of the household or family member named as the~~
30 ~~respondent is not considered.)) No fees for filing or service of
31 process may be charged to petitioners seeking relief under this
32 chapter. Petitioners shall be provided the necessary number of
33 certified copies at no cost.~~

34 **Sec. 6.** RCW 26.50.050 and 1992 c 143 s 1 are each amended to read
35 as follows:

36 Upon receipt of the petition, the court shall order a hearing which
37 shall be held not later than fourteen days from the date of the order.

1 The court may schedule a hearing by telephone to reasonably accommodate
2 a disability or in exceptional circumstances to protect a petitioner
3 from further acts of domestic violence. The court may require
4 assurances of the petitioner's identity before conducting a telephonic
5 hearing. Except as provided in RCW 26.50.085 and section 16 of this
6 act, personal service shall be made upon the respondent not less than
7 five court days prior to the hearing. If timely personal service
8 cannot be made, the court shall set a new hearing date and shall either
9 require additional attempts at obtaining personal service or permit
10 service by publication as provided in RCW 26.50.085 or service by mail
11 as provided in section 16 of this act. If the court permits service by
12 publication or by mail, the court shall set the hearing date not later
13 than twenty-four days from the date of the order. The court may issue
14 an ex parte order for protection pending the hearing as provided in RCW
15 26.50.070 ((and)), 26.50.085, and section 16 of this act.

16 **Sec. 7.** RCW 26.50.060 and 1994 sp.s. c 7 s 457 are each amended to
17 read as follows:

18 (1) Upon notice and after hearing, the court may provide relief as
19 follows:

20 (a) Restrain the respondent from committing acts of domestic
21 violence;

22 (b) Exclude the respondent from the dwelling which the parties
23 share or from the residence of the petitioner;

24 (c) On the same basis as is provided in chapter 26.09 RCW, the
25 court shall make residential provision with regard to minor children of
26 the parties. However, parenting plans as specified in chapter 26.09
27 RCW shall not be required under this chapter;

28 (d) Order the respondent to participate in batterers' treatment;

29 (e) Order other relief as it deems necessary for the protection of
30 the petitioner and other family or household members sought to be
31 protected, including orders or directives to a peace officer, as
32 allowed under this chapter;

33 (f) Require the respondent to pay the ~~((filing fee and))~~
34 administrative court costs((, including)) and service fees, as
35 established by the county or municipality incurring the expense and to
36 reimburse the petitioner for costs incurred in bringing the action,
37 including a reasonable attorney's fee((. If the petitioner has been
38 granted leave to proceed in forma pauperis, the court may require the

1 ~~respondent to pay the filing fee and costs, including services fees, to~~
2 ~~the county or municipality incurring the expense));~~

3 (g) Restrain the respondent from having any contact with the victim
4 of domestic violence or the victim's children or members of the
5 victim's household;

6 (h) Require the respondent to submit to electronic monitoring. The
7 order shall specify who shall provide the electronic monitoring
8 services and the terms under which the monitoring must be performed.
9 The order also may include a requirement that the respondent pay the
10 costs of the monitoring. The court shall consider the ability of the
11 respondent to pay for electronic monitoring; ~~((and))~~

12 (i) Consider the provisions of RCW 9.41.800; and

13 (j) Order possession and use of a vehicle and essential personal
14 effects needed by the petitioner and children, if any, including but
15 not limited to clothing, documents, medications, beds, and bedding.
16 The court shall list the vehicle and essential personal effects with
17 sufficient specificity to make it clear which property is included. If
18 possession and use of a vehicle is ordered, the court shall specify who
19 shall pay for insurance, who shall be on the insurance policy, who
20 shall make car payments, and in whose name the vehicle shall be
21 registered.

22 (2) ~~((Any relief granted by the order for protection, other than a~~
23 ~~judgment for costs, shall be for a fixed period not to exceed one~~
24 ~~year)) If ((the)) a restraining order restrains the respondent from~~
25 ~~contacting the respondent's minor children~~ the restraint shall be for
26 a fixed period not to exceed one year. This limitation is not
27 applicable to orders for protection issued under chapter 26.09, 26.10,
28 or 26.26 RCW. With regard to other relief, if the petitioner has
29 petitioned for relief on his or her own behalf or on behalf of the
30 petitioner's family or household members or minor children ~~((that are~~
31 ~~not also the respondent's minor children))~~, and the court finds that
32 the respondent is likely to resume acts of domestic violence against
33 the petitioner or the petitioner's family or household members or minor
34 children when the order expires, the court may either ~~((a))~~ grant
35 relief for a fixed period ~~((not to exceed one year; (b) grant relief~~
36 ~~for a fixed period in excess of one year;))~~ or ~~((c))~~ enter a
37 permanent order of protection.

38 If the petitioner has petitioned for relief on behalf of the
39 respondent's minor children, the court shall advise the petitioner that

1 if the petitioner wants to continue protection for a period beyond one
2 year the petitioner may either petition for renewal pursuant to the
3 provisions of this chapter or may seek relief pursuant to the
4 provisions of chapter 26.09 or 26.26 RCW.

5 (3) If the court grants an order for a fixed time period, the
6 petitioner may apply for renewal of the order by filing a petition for
7 renewal at any time within the three months before the order expires.
8 The petition for renewal shall state the reasons why the petitioner
9 seeks to renew the protection order. Upon receipt of the petition for
10 renewal the court shall order a hearing which shall be not later than
11 fourteen days from the date of the order. Except as provided in RCW
12 26.50.085, personal service shall be made on the respondent not less
13 than five days before the hearing. If timely service cannot be made
14 the court shall set a new hearing date and shall either require
15 additional attempts at obtaining personal service or permit service by
16 publication as provided in RCW 26.50.085. If the court permits service
17 by publication, the court shall set the new hearing date not later than
18 twenty-four days from the date of the order. If the order expires
19 because timely service cannot be made the court shall grant an ex parte
20 order of protection as provided in RCW 26.50.070. The court shall
21 grant the petition for renewal unless the respondent proves by a
22 preponderance of the evidence that the respondent will not resume acts
23 of domestic violence against the petitioner or the petitioner's
24 children or family or household members when the order expires. The
25 court may renew the protection order for another fixed time period or
26 may enter a permanent order as provided in this section. The court may
27 award court costs, service fees, and reasonable attorneys' fees as
28 provided in subsection (1)(f) of this section.

29 (4) In providing relief under this chapter, the court may realign
30 the designation of the parties as "petitioner" and "respondent" where
31 the court finds that the original petitioner is the abuser and the
32 original respondent is the victim of domestic violence and may issue an
33 ex parte temporary order for protection in accordance with RCW
34 26.50.070 on behalf of the victim until the victim is able to prepare
35 a petition for an order for protection in accordance with RCW
36 26.50.030.

37 (5) Except as provided in subsection (4) of this section, no order
38 for protection shall grant relief to any party except upon notice to
39 the respondent and hearing pursuant to a petition or counter-petition

1 filed and served by the party seeking relief in accordance with RCW
2 26.50.050.

3 (6) The court order shall specify the date the order expires if
4 any. The court order shall also state whether the court issued the
5 protection order following personal service or service by publication
6 and whether the court has approved service by publication of an order
7 issued under this section.

8 (7) If the court declines to issue an order for protection,
9 declines to order a requested no-contact provision, or declines to
10 renew an order for protection, the court shall state in writing on the
11 order the particular reasons for the court's denial.

12 **Sec. 8.** RCW 26.50.070 and 1994 sp.s. c 7 s 458 are each amended to
13 read as follows:

14 (1) Where an application under this section alleges that
15 irreparable injury could result from domestic violence if an order is
16 not issued immediately without prior notice to the respondent, the
17 court may grant an ex parte temporary order for protection, pending a
18 full hearing, and grant relief as the court deems proper, including an
19 order:

20 (a) Restraining any party from committing acts of domestic
21 violence;

22 (b) Excluding any party from the dwelling shared or from the
23 residence of the other until further order of the court;

24 (c) Restraining any party from interfering with the other's custody
25 of the minor children or from removing the children from the
26 jurisdiction of the court;

27 (d) Restraining any party from having any contact with the victim
28 of domestic violence or the victim's children or members of the
29 victim's household; and

30 (e) Considering the provisions of RCW 9.41.800.

31 (2) Irreparable injury under this section includes but is not
32 limited to situations in which the respondent has recently threatened
33 petitioner with bodily injury or has engaged in acts of domestic
34 violence against the petitioner.

35 (3) The court shall hold an ex parte hearing in person or by
36 telephone on the day the petition is filed or on the following judicial
37 day.

1 (4) An ex parte temporary order for protection shall be effective
2 for a fixed period not to exceed fourteen days or twenty-four days if
3 the court has permitted service by publication under RCW 26.50.085 or
4 by mail under section 16 of this act. The ex parte order may be
5 reissued. A full hearing, as provided in this chapter, shall be set
6 for not later than fourteen days from the issuance of the temporary
7 order or not later than twenty-four days if service by publication or
8 by mail is permitted. Except as provided in RCW 26.50.050 (~~and~~),
9 26.50.085, and section 16 of this act, the respondent shall be
10 personally served with a copy of the ex parte order along with a copy
11 of the petition and notice of the date set for the hearing.

12 (5) Any order issued under this section shall contain the date and
13 time of issuance and the expiration date and shall be entered into a
14 state-wide judicial information system by the clerk of the court within
15 twenty-four hours after issuance.

16 (6) If the court declines to issue an ex parte temporary order for
17 protection or declines to order a requested no-contact provision, the
18 court shall state in writing on the order the particular reasons for
19 the court's denial. The court's denial of a motion for an ex parte
20 order of protection shall be filed with the court.

21 **Sec. 9.** RCW 26.50.080 and 1984 c 263 s 9 are each amended to read
22 as follows:

23 (1) When an order is issued under this chapter upon request of the
24 petitioner, the court may order a peace officer to accompany the
25 petitioner and assist in placing the petitioner in possession of the
26 dwelling or residence, a vehicle, and other personal effects or to
27 otherwise assist in the execution of the order of protection. The
28 order shall list the vehicle and essential personal effects with
29 sufficient specificity to make it clear which property is included.
30 Orders issued under this chapter shall include a designation of the
31 appropriate law enforcement agency to execute, serve, or enforce the
32 order.

33 (2) Upon order of a court, a peace officer shall accompany the
34 petitioner in an order of protection and assist in placing the
35 petitioner in possession of the dwelling or residence, a vehicle, and
36 other essential personal effects, and to otherwise assist in the
37 execution of the order of protection.

1 **Sec. 10.** RCW 26.50.090 and 1992 c 143 s 6 are each amended to read
2 as follows:

3 (1) An order issued under this chapter shall be personally served
4 upon the respondent, except as provided in subsections (6) and (8) of
5 this section.

6 (2) The sheriff of the county or the peace officers of the
7 municipality in which the respondent resides shall serve the respondent
8 personally unless the petitioner elects to have the respondent served
9 by a private party.

10 (3) If service by a sheriff or municipal peace officer is to be
11 used, the clerk of the court shall have a copy of any order issued
12 under this chapter forwarded on or before the next judicial day to the
13 appropriate law enforcement agency specified in the order for service
14 upon the respondent. Service of an order issued under this chapter
15 shall take precedence over the service of other documents unless they
16 are of a similar emergency nature.

17 (4) If the sheriff or municipal peace officer cannot complete
18 service upon the respondent within ten days, the sheriff or municipal
19 peace officer shall notify the petitioner. The petitioner shall
20 provide information sufficient to permit notification.

21 (5) Returns of service under this chapter shall be made in
22 accordance with the applicable court rules.

23 (6) If an order entered by the court recites that the respondent
24 appeared in person before the court, the necessity for further service
25 is waived and proof of service of that order is not necessary.

26 (7) (~~Except in cases where the petitioner is granted leave to~~
27 ~~proceed in forma pauperis,)) Municipal police departments serving
28 documents as required under this chapter may collect from respondents
29 ordered to pay fees under RCW 26.50.060 the same fees for service and
30 mileage authorized by RCW 36.18.040 to be collected by sheriffs.~~

31 (8) If the court previously entered an order allowing service (~~by~~
32 ~~publication)) of the notice of hearing and temporary order of
33 protection by publication pursuant to RCW 26.50.085 or by mail pursuant
34 to section 16 of this act, the court may permit service by publication
35 or by mail of the order of protection issued under RCW 26.50.060.
36 Service by publication must comply with the requirements of RCW
37 26.50.085 and service by mail must comply with the requirements of
38 section 16 of this act. The court order must state whether the court
39 permitted service by publication or by mail.~~

1 NEW SECTION. **Sec. 11.** A new section is added to chapter 26.50 RCW
2 to read as follows:

3 (1) Pursuant to chapter 2.42 RCW, an interpreter shall be appointed
4 for any person who, because of a hearing or speech impairment, cannot
5 readily understand or communicate in spoken language.

6 (2) Pursuant to chapter 2.43 RCW, an interpreter shall be appointed
7 for any person who cannot readily speak or understand the English
8 language.

9 (3) The interpreter shall translate or interpret for the party in
10 preparing forms and throughout the court process under this chapter,
11 including participating in the hearing and court-ordered assessments,
12 and including translating any orders.

13 **Sec. 12.** RCW 26.50.095 and 1992 c 143 s 5 are each amended to read
14 as follows:

15 Following completion of service by publication as provided in RCW
16 26.50.085 or by mail as provided in section 16 of this act, if the
17 respondent fails to appear at the hearing, the court may issue an order
18 of protection as provided in RCW 26.50.060. That order must be served
19 pursuant to RCW 26.50.090, and forwarded to the appropriate law
20 enforcement agency pursuant to RCW 26.50.100.

21 **Sec. 13.** RCW 26.50.100 and 1992 c 143 s 7 are each amended to read
22 as follows:

23 (1) A copy of an order for protection granted under this chapter
24 shall be forwarded by the clerk of the court on or before the next
25 judicial day to the appropriate law enforcement agency specified in the
26 order.

27 Upon receipt of the order, the law enforcement agency shall
28 forthwith enter the order into any computer-based criminal intelligence
29 information system available in this state used by law enforcement
30 agencies to list outstanding warrants. The order shall remain in the
31 computer for the period stated in the order. The law enforcement
32 agency shall expunge (~~expired~~) from the computer-based criminal
33 intelligence information system orders ((from the computer system))
34 that are expired, vacated, or superseded and only those orders. Entry
35 into the law enforcement information system constitutes notice to all
36 law enforcement agencies of the existence of the order. The order is
37 fully enforceable in any county in the state.

1 (2) The information entered into the computer-based criminal
2 intelligence information system shall include notice to law enforcement
3 whether the order was personally served or served by publication.

4 **Sec. 14.** RCW 26.50.110 and 1992 c 86 s 5 are each amended to read
5 as follows:

6 (1) Whenever an order for protection is granted under this chapter
7 and the respondent or person to be restrained knows of the order, a
8 violation of the restraint provisions or of a provision excluding the
9 person from a residence is a gross misdemeanor. Upon conviction, and
10 in addition to any other penalties provided by law, the court may
11 require that the respondent submit to electronic monitoring. The court
12 shall specify who shall provide the electronic monitoring services, and
13 the terms under which the monitoring shall be performed. The order
14 also may include a requirement that the respondent pay the costs of the
15 monitoring. The court shall consider the ability of the convicted
16 person to pay for electronic monitoring.

17 (2) A peace officer shall arrest without a warrant and take into
18 custody a person whom the peace officer has probable cause to believe
19 has violated an order issued under this chapter that restrains the
20 person or excludes the person from a residence, if the person
21 restrained knows of the order regardless of the presence of the order
22 in the law enforcement computer-based criminal intelligence information
23 system.

24 (3) A violation of an order for protection shall also constitute
25 contempt of court, and is subject to the penalties prescribed by law.

26 (4) Any assault that is a violation of an order issued under this
27 chapter and that does not amount to assault in the first or second
28 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any
29 conduct in violation of a protective order issued under this chapter
30 that is reckless and creates a substantial risk of death or serious
31 physical injury to another person is a class C felony.

32 (5) Upon the filing of an affidavit by the petitioner or any peace
33 officer alleging that the respondent has violated an order for
34 protection granted under this chapter, the court may issue an order to
35 the respondent, requiring the respondent to appear and show cause
36 within fourteen days why the respondent should not be found in contempt
37 of court and punished accordingly. The hearing may be held in the
38 court of any county or municipality in which the petitioner or

1 respondent temporarily or permanently resides at the time of the
2 alleged violation.

3 **Sec. 15.** RCW 26.50.115 and 1992 c 143 s 8 are each amended to read
4 as follows:

5 (1) When the court issues an ex parte order pursuant to RCW
6 26.50.070 or an order of protection ordered issued pursuant to RCW
7 26.50.060, the court shall advise the petitioner that the respondent
8 may not be subjected to the penalties set forth in RCW 26.50.110 for a
9 violation of the order unless the respondent knows of the order.

10 (2) When a peace officer investigates a report of an alleged
11 violation of an order for protection issued under this chapter the
12 officer shall attempt to determine whether the respondent knew of the
13 existence of the protection order. ~~((If the officer determines that
14 the respondent did not or probably did not know about the protection
15 order, the officer shall make reasonable efforts to obtain a copy of
16 the protection order and serve it on the respondent during the
17 investigation.))~~ If the law enforcement officer determines that the
18 respondent did not or probably did not know about the protection order,
19 the officer shall obtain and serve a copy of the order on the
20 respondent. If the officer serves the respondent with the petitioner's
21 copy of the order, the officer shall give petitioner a receipt
22 indicating that petitioner's copy has been served on the respondent.

23 (3) Presentation of an unexpired, certified copy of a protection
24 order is sufficient for a law enforcement officer to enforce the order
25 regardless of the presence of the order in the law enforcement
26 computer-based criminal intelligence information system.

27 NEW SECTION. **Sec. 16.** A new section is added to chapter 26.50 RCW
28 to read as follows:

29 (1) In circumstances justifying service by publication under RCW
30 26.50.085(1), if the serving party files an affidavit stating facts
31 from which the court determines that service by mail is just as likely
32 to give actual notice as service by publication and that the serving
33 party is unable to afford the cost of service by publication, the court
34 may order that service be made by mail. Such service shall be made by
35 any person over eighteen years of age, who is competent to be a
36 witness, other than a party, by mailing copies of the order and other
37 process to the party to be served at his or her last known address or

1 any other address determined by the court to be appropriate. Two
2 copies shall be mailed, postage prepaid, one by ordinary first class
3 mail and the other by a form of mail requiring a signed receipt showing
4 when and to whom it was delivered. The envelopes must bear the return
5 address of the sender.

6 (2) Proof of service under this section shall be consistent with
7 superior court civil rule 4.

8 (3) Service under this section may be used in the same manner and
9 shall have the same jurisdictional effect as service by publication for
10 purposes of this chapter. Service shall be deemed complete upon the
11 mailing of two copies as prescribed in this section.

12 **Sec. 17.** RCW 26.50.125 and 1992 c 143 s 9 are each amended to read
13 as follows:

14 The court may permit service by publication or by mail under this
15 chapter only if the petitioner pays the cost of publication or mailing
16 unless the county legislative authority allocates funds for service of
17 process by publication or by mail for indigent petitioners (~~(who are~~
18 ~~granted leave to proceed in forma pauperis)~~)).

19 NEW SECTION. **Sec. 18.** A new section is added to chapter 26.50 RCW
20 to read as follows:

21 To prevent the issuance of competing protection orders in different
22 courts and to give courts needed information for issuance of orders,
23 the judicial information system shall be available in each district,
24 municipal, and superior court by July 1, 1997, and shall include a
25 database containing the following information:

26 (1) The names of the parties and the cause number for every order
27 of protection issued under this title, every criminal no-contact order
28 issued under chapter 10.99 RCW, every antiharassment order issued under
29 chapter 10.14 RCW, every dissolution action under chapter 26.09 RCW,
30 every third-party custody action under chapter 26.10 RCW, and every
31 parentage action under chapter 26.10 RCW;

32 (2) A criminal offender history; and

33 (3) Other information that will assist courts in issuing orders
34 under this chapter as determined by the judicial information system
35 committee.

1 NEW SECTION. **Sec. 19.** A new section is added to chapter 26.50 RCW
2 to read as follows:

3 (1) Before granting an order under this chapter directing
4 residential placement of a child or restraining or limiting a party's
5 contact with a child, the court shall consult the judicial information
6 system, if available, to determine the pendency of other proceedings
7 under this chapter involving the residential placement of any child of
8 the parties for whom residential placement has been requested.

9 (2) If the court has reason to believe that another court has
10 issued a conflicting order under this chapter involving the custody or
11 residential placement of any child of the parties, it shall communicate
12 with the appropriate judicial officer of the other court to determine
13 the proper venue for the proceedings before issuing an order directing
14 residential placement of a child or restraining or limiting a party's
15 contact with a child.

16 (a) After communication under this subsection has occurred, the
17 court exercising venue shall enter an order specifying that a
18 communication has occurred under this chapter and the decision reached
19 through the communication.

20 (b) The court exercising venue shall proceed to enter an
21 appropriate order consistent with this chapter that directs residential
22 placement or restrains or limits a party's contact with a child.

23 (3) Upon seven days' notice, either party may petition the court to
24 communicate with another court to determine the proper venue for
25 proceedings under this chapter to resolve conflicting orders issued
26 under this chapter involving the same parties. If the court reasonably
27 believes that conflicting orders have been issued under this chapter,
28 it may communicate with the appropriate judicial officer of the other
29 court to determine the proper venue for the proceedings.

30 After communication under this subsection has occurred, the court
31 exercising venue shall enter an order specifying that a communication
32 has occurred under this chapter and the decision reached through the
33 communication; either court may realign the parties as specified in
34 this chapter or vacate orders or portions of orders that conflict.

35 (4) Jurisdictional issues regarding out-of-state proceedings
36 involving the custody or residential placement of any child of the
37 parties shall be governed by the uniform child custody jurisdiction
38 act, chapter 26.27 RCW.

1 **Sec. 20.** RCW 10.31.100 and 1993 c 209 s 1 and 1993 c 128 s 5 are
2 each reenacted and amended to read as follows:

3 A police officer having probable cause to believe that a person has
4 committed or is committing a felony shall have the authority to arrest
5 the person without a warrant. A police officer may arrest a person
6 without a warrant for committing a misdemeanor or gross misdemeanor
7 only when the offense is committed in the presence of the officer,
8 except as provided in subsections (1) through (10) of this section.

9 (1) Any police officer having probable cause to believe that a
10 person has committed or is committing a misdemeanor or gross
11 misdemeanor, involving physical harm or threats of harm to any person
12 or property or the unlawful taking of property or involving the use or
13 possession of cannabis, or involving the acquisition, possession, or
14 consumption of alcohol by a person under the age of twenty-one years
15 under RCW 66.44.270 shall have the authority to arrest the person.

16 (2) A police officer shall arrest and take into custody, pending
17 release on bail, personal recognizance, or court order, a person
18 without a warrant when the officer has probable cause to believe that:

19 (a) An order has been issued of which the person has knowledge
20 under RCW 10.99.040(2), 10.99.050, 26.09.060, 26.44.063, chapter 26.26
21 RCW, or chapter 26.50 RCW restraining the person and the person has
22 violated the terms of the order restraining the person from acts or
23 threats of violence or excluding the person from a residence or, in the
24 case of an order issued under RCW 26.44.063, imposing any other
25 restrictions or conditions upon the person; or

26 (b) The person is ~~((eighteen))~~ sixteen years or older and within
27 the preceding four hours has assaulted ~~((that person's spouse, former
28 spouse, or a person eighteen years or older with whom the person
29 resides or has formerly resided))~~ a family or household member as
30 defined in RCW 10.99.020 and the officer believes: (i) A felonious
31 assault has occurred; (ii) an assault has occurred which has resulted
32 in bodily injury to the victim, whether the injury is observable by the
33 responding officer or not; or (iii) that any physical action has
34 occurred which was intended to cause another person reasonably to fear
35 imminent serious bodily injury or death. Bodily injury means physical
36 pain, illness, or an impairment of physical condition. When the
37 officer has probable cause to believe that spouses, former spouses, or
38 other persons who reside together or formerly resided together have
39 assaulted each other, the officer is not required to arrest both

1 persons. The officer shall arrest the person whom the officer believes
2 to be the primary physical aggressor. In making this determination,
3 the officer shall make every reasonable effort to consider: (i) The
4 intent to protect victims of domestic violence under RCW 10.99.010;
5 (ii) the comparative extent of injuries inflicted or serious threats
6 creating fear of physical injury; and (iii) the history of domestic
7 violence between the persons involved.

8 (3) Any police officer having probable cause to believe that a
9 person has committed or is committing a violation of any of the
10 following traffic laws shall have the authority to arrest the person:

11 (a) RCW 46.52.010, relating to duty on striking an unattended car
12 or other property;

13 (b) RCW 46.52.020, relating to duty in case of injury to or death
14 of a person or damage to an attended vehicle;

15 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
16 racing of vehicles;

17 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
18 influence of intoxicating liquor or drugs;

19 (e) RCW 46.20.342, relating to driving a motor vehicle while
20 operator's license is suspended or revoked;

21 (f) RCW 46.61.525, relating to operating a motor vehicle in a
22 negligent manner.

23 (4) A law enforcement officer investigating at the scene of a motor
24 vehicle accident may arrest the driver of a motor vehicle involved in
25 the accident if the officer has probable cause to believe that the
26 driver has committed in connection with the accident a violation of any
27 traffic law or regulation.

28 (5) Any police officer having probable cause to believe that a
29 person has committed or is committing a violation of RCW ((88.12.100))
30 88.12.025 shall have the authority to arrest the person.

31 (6) An officer may act upon the request of a law enforcement
32 officer in whose presence a traffic infraction was committed, to stop,
33 detain, arrest, or issue a notice of traffic infraction to the driver
34 who is believed to have committed the infraction. The request by the
35 witnessing officer shall give an officer the authority to take
36 appropriate action under the laws of the state of Washington.

37 (7) Any police officer having probable cause to believe that a
38 person has committed or is committing any act of indecent exposure, as
39 defined in RCW 9A.88.010, may arrest the person.

1 (8) A police officer may arrest and take into custody, pending
2 release on bail, personal recognizance, or court order, a person
3 without a warrant when the officer has probable cause to believe that
4 an order has been issued of which the person has knowledge under
5 chapter 10.14 RCW and the person has violated the terms of that order.

6 (9) Any police officer having probable cause to believe that a
7 person has, within twenty-four hours of the alleged violation,
8 committed a violation of RCW 9A.50.020 may arrest such person.

9 (10) A police officer having probable cause to believe that a
10 person illegally possesses or illegally has possessed a firearm or
11 other dangerous weapon on private or public elementary or secondary
12 school premises shall have the authority to arrest the person.

13 For purposes of this subsection, the term "firearm" has the meaning
14 defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning
15 defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

16 (11) Except as specifically provided in subsections (2), (3), (4),
17 and (6) of this section, nothing in this section extends or otherwise
18 affects the powers of arrest prescribed in Title 46 RCW.

19 (12) No police officer may be held criminally or civilly liable for
20 making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police
21 officer acts in good faith and without malice.

22 **Sec. 21.** RCW 10.99.020 and 1994 c 121 s 4 are each amended to read
23 as follows:

24 Unless the context clearly requires otherwise, the definitions in
25 this section apply throughout this chapter.

26 (1) "Family or household members" means spouses, former spouses,
27 persons who have a child in common regardless of whether they have been
28 married or have lived together at any time, adult persons related by
29 blood or marriage, ~~((and))~~ adult persons who are presently residing
30 together or who have resided together in the past, persons sixteen
31 years of age or older who are presently residing together or who have
32 resided together in the past and who have or have had a dating
33 relationship, persons sixteen years of age or older with whom a
34 respondent sixteen years of age or older has or has had a dating
35 relationship, and persons who have a biological or legal parent-child
36 relationship, including stepparents and stepchildren and grandparents
37 and grandchildren.

1 (2) "Domestic violence" includes but is not limited to any of the
2 following crimes when committed by one family or household member
3 against another:

4 (a) Assault in the first degree (RCW 9A.36.011);

5 (b) Assault in the second degree (RCW 9A.36.021);

6 (c) Assault in the third degree (RCW 9A.36.031);

7 (d) Assault in the fourth degree (RCW 9A.36.041);

8 (e) Reckless endangerment in the first degree (RCW 9A.36.045);

9 (f) Reckless endangerment in the second degree (RCW 9A.36.050);

10 (g) Coercion (RCW 9A.36.070);

11 (h) Burglary in the first degree (RCW 9A.52.020);

12 (i) Burglary in the second degree (RCW 9A.52.030);

13 (j) Criminal trespass in the first degree (RCW 9A.52.070);

14 (k) Criminal trespass in the second degree (RCW 9A.52.080);

15 (l) Malicious mischief in the first degree (RCW 9A.48.070);

16 (m) Malicious mischief in the second degree (RCW 9A.48.080);

17 (n) Malicious mischief in the third degree (RCW 9A.48.090);

18 (o) Kidnapping in the first degree (RCW 9A.40.020);

19 (p) Kidnapping in the second degree (RCW 9A.40.030);

20 (q) Unlawful imprisonment (RCW 9A.40.040);

21 (r) Violation of the provisions of a restraining order restraining
22 the person or excluding the person from a residence (RCW 26.09.300);

23 (s) Violation of the provisions of a protection order or no-contact
24 order restraining the person or excluding the person from a residence
25 (RCW 26.50.060, 26.50.070, ~~((or))~~ 26.50.130, or 10.99.040);

26 (t) Rape in the first degree (RCW 9A.44.040);

27 (u) Rape in the second degree (RCW 9A.44.050); ~~((and))~~

28 (v) Residential burglary (RCW 9A.52.025); and

29 (w) Stalking (RCW 9A.46.110).

30 (3) "Victim" means a family or household member who has been
31 subjected to domestic violence.

32 **Sec. 22.** RCW 10.99.030 and 1993 c 350 s 3 are each amended to read
33 as follows:

34 (1) All training relating to the handling of domestic violence
35 complaints by law enforcement officers shall stress enforcement of
36 criminal laws in domestic situations, availability of community
37 resources, and protection of the victim. Law enforcement agencies and

1 community organizations with expertise in the issue of domestic
2 violence shall cooperate in all aspects of such training.

3 (2) The criminal justice training commission shall implement by
4 January 1, 1997, a course of instruction for the training of law
5 enforcement officers in Washington in the handling of domestic violence
6 complaints. The basic law enforcement curriculum of the criminal
7 justice training commission shall include at least twenty hours of
8 basic training instruction on the law enforcement response to domestic
9 violence. The course of instruction, the learning and performance
10 objectives, and the standards for the training shall be developed by
11 the commission and focus on enforcing the criminal laws, safety of the
12 victim, and holding the perpetrator accountable for the violence. The
13 curriculum shall include training on the extent and prevalence of
14 domestic violence, the importance of criminal justice intervention,
15 techniques for responding to incidents that minimize the likelihood of
16 officer injury and that promote victim safety, investigation and
17 interviewing skills, evidence gathering and report writing, assistance
18 to and services for victims and children, verification and enforcement
19 of court orders, liability, and any additional provisions that are
20 necessary to carry out the intention of this subsection.

21 (3) All patrol officers and patrol supervisors shall participate
22 annually in in-service training designed by the criminal justice
23 training commission to familiarize the law enforcement officer with the
24 domestic violence laws and shall include techniques for handling
25 incidents of domestic violence that minimize the likelihood of injury
26 to the officer and that promote safety of the victim.

27 (4) Development and presentation of the training in subsections (2)
28 and (3) of this section shall be conducted in conjunction with agencies
29 having a primary responsibility for serving victims of domestic
30 violence with emergency shelter and other services, and representatives
31 to the state-wide organization providing training and education to
32 these organizations and the general public.

33 ~~((+2))~~ (5) The primary duty of peace officers, when responding to
34 a domestic violence situation, is to enforce the laws allegedly
35 violated and to protect the complaining party.

36 ~~((+3))~~ (6)(a) When a peace officer responds to a domestic violence
37 call and has probable cause to believe that a crime has been committed,
38 the peace officer shall exercise arrest powers with reference to the
39 criteria in RCW 10.31.100. The officer shall notify the victim of the

1 victim's right to initiate a criminal proceeding in all cases where the
2 officer has not exercised arrest powers or decided to initiate criminal
3 proceedings by citation or otherwise. The parties in such cases shall
4 also be advised of the importance of preserving evidence.

5 (b) A peace officer responding to a domestic violence call shall
6 take a complete offense report including the officer's disposition of
7 the case.

8 ~~((+4))~~ (7) When a peace officer responds to a domestic violence
9 call, the officer shall advise victims of all reasonable means to
10 prevent further abuse, including advising each person of the
11 availability of a shelter or other services in the community, and
12 giving each person immediate notice of the legal rights and remedies
13 available. The notice shall include handing each person a copy of the
14 following statement:

15 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the
16 city or county prosecuting attorney to file a criminal
17 complaint. You also have the right to file a petition in
18 superior, district, or municipal court requesting an order for
19 protection from domestic abuse which could include any of the
20 following: (a) An order restraining your abuser from further
21 acts of abuse; (b) an order directing your abuser to leave your
22 household; (c) an order preventing your abuser from entering
23 your residence, school, business, or place of employment; (d)
24 an order awarding you or the other parent custody of or
25 visitation with your minor child or children; and (e) an order
26 restraining your abuser from molesting or interfering with
27 minor children in your custody. The forms you need to obtain
28 a protection order are available in any municipal, district, or
29 superior court.

30 Information about shelters and alternatives to domestic
31 violence is available from a state-wide twenty-four-hour toll-
32 free hotline at 1-800-562-6025. The battered women's shelter
33 and other resources in your area are (include local
34 information)"

35 ~~((+5))~~ (8) The peace officer may offer, arrange, or facilitate
36 transportation for the victim to a hospital for treatment of injuries
37 or to a place of safety or shelter.

1 (~~(6)~~) (9) The law enforcement agency shall forward the offense
2 report to the appropriate prosecutor within ten days of making such
3 report if there is probable cause to believe that an offense has been
4 committed, unless the case is under active investigation.

5 (~~(7)~~) (10) Each law enforcement agency shall make as soon as
6 practicable a written record and shall maintain records of all
7 incidents of domestic violence reported to it.

8 (~~(8)~~) (11) Records kept pursuant to subsections (~~(3) and (7)~~)
9 (6) and (10) of this section shall be made identifiable by means of a
10 departmental code for domestic violence.

11 (~~(9)~~) (12) Commencing January 1, 1994, records of incidents of
12 domestic violence shall be submitted, in accordance with procedures
13 described in this subsection, to the Washington association of sheriffs
14 and police chiefs by all law enforcement agencies. The Washington
15 criminal justice training commission shall amend its contract for
16 collection of state-wide crime data with the Washington association of
17 sheriffs and police chiefs:

18 (a) To include a table, in the annual report of crime in Washington
19 produced by the Washington association of sheriffs and police chiefs
20 pursuant to the contract, showing the total number of actual offenses
21 and the number and percent of the offenses that are domestic violence
22 incidents for the following crimes: (i) Criminal homicide, with
23 subtotals for murder and nonnegligent homicide and manslaughter by
24 negligence; (ii) forcible rape, with subtotals for rape by force and
25 attempted forcible rape; (iii) robbery, with subtotals for firearm,
26 knife or cutting instrument, or other dangerous weapon, and strongarm
27 robbery; (iv) assault, with subtotals for firearm, knife or cutting
28 instrument, other dangerous weapon, hands, feet, aggravated, and other
29 nonaggravated assaults; (v) burglary, with subtotals for forcible
30 entry, nonforcible unlawful entry, and attempted forcible entry; (vi)
31 larceny theft, except motor vehicle theft; (vii) motor vehicle theft,
32 with subtotals for autos, trucks and buses, and other vehicles; and
33 (viii) arson;

34 (b) To require that the table shall continue to be prepared and
35 contained in the annual report of crime in Washington until that time
36 as comparable or more detailed information about domestic violence
37 incidents is available through the Washington state incident based
38 reporting system and the information is prepared and contained in the
39 annual report of crime in Washington; and

1 (c) To require that, in consultation with interested persons, the
2 Washington association of sheriffs and police chiefs prepare and
3 disseminate procedures to all law enforcement agencies in the state as
4 to how the agencies shall code and report domestic violence incidents
5 to the Washington association of sheriffs and police chiefs.

6 **Sec. 23.** RCW 10.99.040 and 1994 sp.s. c 7 s 449 are each amended
7 to read as follows:

8 (1) Because of the serious nature of domestic violence, the court
9 in domestic violence actions:

10 (a) Shall not dismiss any charge or delay disposition because of
11 concurrent dissolution or other civil proceedings;

12 (b) Shall not require proof that either party is seeking a
13 dissolution of marriage prior to instigation of criminal proceedings;

14 (c) Shall waive any requirement that the victim's location be
15 disclosed to any person, other than the attorney of a criminal
16 defendant, upon a showing that there is a possibility of further
17 violence: PROVIDED, That the court may order a criminal defense
18 attorney not to disclose to his or her client the victim's location;
19 and

20 (d) Shall identify by any reasonable means on docket sheets those
21 criminal actions arising from acts of domestic violence.

22 (2) Because of the likelihood of repeated violence directed at
23 those who have been victims of domestic violence in the past, when any
24 person charged with or arrested for a crime involving domestic violence
25 is released from custody before arraignment or trial on bail or
26 personal recognizance, the court authorizing the release may prohibit
27 that person from having any contact with the victim. The jurisdiction
28 authorizing the release shall determine whether that person should be
29 prohibited from having any contact with the victim. If there is no
30 outstanding restraining or protective order prohibiting that person
31 from having contact with the victim, the court authorizing release may
32 issue, by telephone, a no-contact order prohibiting the person charged
33 or arrested from having contact with the victim. In issuing the order,
34 the court shall consider the provisions of RCW 9.41.800. The no-
35 contact order shall also be issued in writing as soon as possible.

36 (3) At the time of arraignment the court shall determine whether a
37 no-contact order shall be issued or extended. If a no-contact order is
38 issued or extended, the court may also include in the conditions of

1 release a requirement that the defendant submit to electronic
2 monitoring. If electronic monitoring is ordered, the court shall
3 specify who shall provide the monitoring services, and the terms under
4 which the monitoring shall be performed. Upon conviction, the court
5 may require as a condition of the sentence that the defendant reimburse
6 the providing agency for the costs of the electronic monitoring.

7 (4)(a) Willful violation of a court order issued under subsection
8 (2) or (3) of this section is a gross misdemeanor. Upon conviction and
9 in addition to other penalties provided by law, the court may require
10 that the defendant submit to electronic monitoring. The court shall
11 specify who shall provide the electronic monitoring services and the
12 terms under which the monitoring must be performed. The court also may
13 include a requirement that the defendant pay the costs of the
14 monitoring. The court shall consider the ability of the convicted
15 person to pay for electronic monitoring.

16 (b) Any assault that is a violation of an order issued under this
17 section and that does not amount to assault in the first or second
18 degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable
19 under chapter 9A.20 RCW, and any conduct in violation of a protective
20 order issued under this section that is reckless and creates a
21 substantial risk of death or serious physical injury to another person
22 is a class C felony punishable under chapter 9A.20 RCW.

23 (c) The written order releasing the person charged or arrested
24 shall contain the court's directives and shall bear the legend:
25 "Violation of this order is a criminal offense under chapter 10.99 RCW
26 and will subject a violator to arrest; any assault or reckless
27 endangerment that is a violation of this order is a felony. You can be
28 arrested even if the person or persons who obtained the order invite or
29 allow you to violate the order's prohibitions. The respondent has the
30 sole responsibility to avoid or refrain from violating the order's
31 provisions. Only the court can change the order upon written
32 application." A certified copy of the order shall be provided to the
33 victim. If a no-contact order has been issued prior to charging, that
34 order shall expire at arraignment or within seventy-two hours if
35 charges are not filed. Such orders need not be entered into the
36 computer-based criminal intelligence information system in this state
37 which is used by law enforcement agencies to list outstanding warrants.

38 (5) Whenever an order prohibiting contact is issued, modified, or
39 terminated under subsection (2) or (3) of this section, the clerk of

1 the court shall forward a copy of the order on or before the next
2 judicial day to the appropriate law enforcement agency specified in the
3 order. Upon receipt of the copy of the order the law enforcement
4 agency shall forthwith enter the order for one year or until the
5 expiration date specified on the order into any computer-based criminal
6 intelligence information system available in this state used by law
7 enforcement agencies to list outstanding warrants. Entry into the law
8 enforcement information system constitutes notice to all law
9 enforcement agencies of the existence of the order. The order is fully
10 enforceable in any jurisdiction in the state.

11 NEW SECTION. **Sec. 24.** By July 1, 1996, every law enforcement
12 agency in this state shall develop, adopt, and implement written
13 policies and procedures for officers' response to domestic violence
14 calls, including written standards for dispatchers. These policies and
15 procedures shall establish the guidelines to be followed by law
16 enforcement involved in the public response to domestic violence,
17 including initial police response, officer safety, investigation,
18 evidence collection, the arrest decision, victim assistance, service
19 and enforcement of court orders, writing offense reports, data
20 collection, municipal and personal liability, and ongoing training.
21 The policy and procedures shall focus on enforcing the criminal laws,
22 safety of the victim, and holding the perpetrator accountable for the
23 violence.

24 NEW SECTION. **Sec. 25.** (1) By January 1, 1997, the criminal
25 justice training commission shall develop a written model policy and
26 procedures regarding misdemeanor and felony prosecution of domestic
27 violence cases. The model shall include but not be limited to: The
28 nature, extent, and causes of domestic violence; laws on domestic
29 violence; practices designed to promote safety of the victim and other
30 family and household members, including safety plans; the
31 responsibility and authority of the criminal justice system to
32 intervene in domestic violence; considerations that should go into
33 screening and charging decisions; violations of court orders; trial
34 tactics; evidence collection; victim advocates; considerations that
35 should go into effective sentencing dispositions related to victim
36 safety and perpetrator accountability; lethality; and community
37 resources for victims, perpetrators, and children.

1 (2) By July 1, 1998, the prosecuting attorney for each county and
2 unit of local government within the state shall adopt a written policy
3 and procedures regarding prosecution of domestic violence cases using
4 as a guide the model developed by the criminal justice training
5 commission.

6 (3) The policies and procedures specified in subsections (1) and
7 (2) of this section shall be developed in conjunction with agencies
8 responsible for prosecuting domestic violence cases, agencies having a
9 primary responsibility for serving victims of domestic violence with
10 emergency shelter and other services, representatives of the state-wide
11 organization providing training and education to these organizations
12 and the general public, and others with a demonstrated expertise on
13 domestic violence and the criminal justice system.

14 **Sec. 26.** RCW 26.09.050 and 1994 sp.s. c 7 s 451 are each amended
15 to read as follows:

16 (1) In entering a decree of dissolution of marriage, legal
17 separation, or declaration of invalidity, the court shall determine the
18 marital status of the parties, make provision for a parenting plan for
19 any minor child of the marriage, make provision for the support of any
20 child of the marriage entitled to support, consider or approve
21 provision for the maintenance of either spouse, make provision for the
22 disposition of property and liabilities of the parties, make provision
23 for the allocation of the children as federal tax exemptions, make
24 provision for any necessary continuing restraining orders including the
25 provisions contained in RCW 9.41.800, make provision for the issuance
26 within this action of the restraint provisions of a domestic violence
27 protection order under chapter 26.50 RCW or an antiharassment
28 protection order under chapter 10.14 RCW, and make provision for the
29 change of name of any party.

30 (2) Restraining orders issued under this section restraining the
31 person from molesting or disturbing another party or from going onto
32 the grounds of or entering the home, workplace, or school of the other
33 party or the day care or school of any child shall bear the legend:
34 VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL
35 OFFENSE UNDER CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

36 (3) The court shall order that any restraining order bearing a
37 criminal offense legend, any domestic violence protection order, or any
38 antiharassment protection order granted under this section be forwarded

1 by the clerk of the court on or before the next judicial day to the
2 appropriate law enforcement agency specified in the order. Upon
3 receipt of the order, the law enforcement agency shall forthwith enter
4 the order into any computer-based criminal intelligence information
5 system available in this state used by law enforcement agencies to list
6 outstanding warrants. Entry into the law enforcement information
7 system constitutes notice to all law enforcement agencies of the
8 existence of the order. The order is fully enforceable in any county
9 in the state.

10 **Sec. 27.** RCW 26.09.060 and 1994 sp.s. c 7 s 452 are each amended
11 to read as follows:

12 (1) In a proceeding for:

13 (a) Dissolution of marriage, legal separation, or a declaration of
14 invalidity; or

15 (b) Disposition of property or liabilities, maintenance, or support
16 following dissolution of the marriage by a court which lacked personal
17 jurisdiction over the absent spouse; either party may move for
18 temporary maintenance or for temporary support of children entitled to
19 support. The motion shall be accompanied by an affidavit setting forth
20 the factual basis for the motion and the amounts requested.

21 (2) As a part of a motion for temporary maintenance or support or
22 by independent motion accompanied by affidavit, either party may
23 request the court to issue a temporary restraining order or preliminary
24 injunction, providing relief proper in the circumstances, and
25 restraining or enjoining any person from:

26 (a) Transferring, removing, encumbering, concealing, or in any way
27 disposing of any property except in the usual course of business or for
28 the necessities of life, and, if so restrained or enjoined, requiring
29 him or her to notify the moving party of any proposed extraordinary
30 expenditures made after the order is issued;

31 (b) Molesting or disturbing the peace of the other party or of any
32 child;

33 (c) (~~Entering the family home or the home~~) Going onto the grounds
34 of or entering the home, workplace, or school of the other party or the
35 day care or school of any child upon a showing of the necessity
36 therefor;

37 (d) Removing a child from the jurisdiction of the court.

1 (3) Either party may request a domestic violence protection order
2 under chapter 26.50 RCW or an antiharassment protection order under
3 chapter 10.14 RCW on a temporary basis. The court may grant any of the
4 relief provided in RCW 26.50.060 except relief pertaining to
5 residential provisions for the children which provisions shall be
6 provided for under this chapter, and any of the relief provided in RCW
7 10.14.080. Ex parte orders issued under this subsection shall be
8 effective for a fixed period not to exceed fourteen days, or upon court
9 order, not to exceed twenty-four days if necessary to ensure that all
10 temporary motions in the case can be heard at the same time.

11 (4) In issuing the order, the court shall consider the provisions
12 of RCW 9.41.800.

13 (~~(4)~~) (5) The court may issue a temporary restraining order
14 without requiring notice to the other party only if it finds on the
15 basis of the moving affidavit or other evidence that irreparable injury
16 could result if an order is not issued until the time for responding
17 has elapsed.

18 (~~(5)~~) (6) The court may issue a temporary restraining order or
19 preliminary injunction and an order for temporary maintenance or
20 support in such amounts and on such terms as are just and proper in the
21 circumstances. The court may in its discretion waive the filing of the
22 bond or the posting of security.

23 (~~(6)~~) (7) Restraining orders issued under this section
24 restraining the person from molesting or disturbing another party or
25 from (~~entering a party's home~~) going onto the grounds of or entering
26 the home, workplace, or school of the other party or the day care or
27 school of any child shall bear the legend: VIOLATION OF THIS ORDER
28 WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER
29 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

30 (~~(7)~~) (8) The court (~~may~~) shall order that any temporary
31 restraining order bearing a criminal offense legend, any domestic
32 violence protection order, or any antiharassment protection order
33 granted under this section be forwarded by the clerk of the court on or
34 before the next judicial day to the appropriate law enforcement agency
35 specified in the order. Upon receipt of the order, the law enforcement
36 agency shall forthwith enter the order (~~for one year~~) into any
37 computer-based criminal intelligence information system available in
38 this state used by law enforcement agencies to list outstanding
39 warrants. Entry into the law enforcement information system

1 constitutes notice to all law enforcement agencies of the existence of
2 the order. The order is fully enforceable in any county in the state.

3 ~~((+8+))~~ (9) A temporary order, temporary restraining order, or
4 preliminary injunction:

5 (a) Does not prejudice the rights of a party or any child which are
6 to be adjudicated at subsequent hearings in the proceeding;

7 (b) May be revoked or modified;

8 (c) Terminates when the final decree is entered, except as provided
9 under subsection ~~((+9+))~~ (10) of this section, or when the petition for
10 dissolution, legal separation, or declaration of invalidity is
11 dismissed;

12 (d) May be entered in a proceeding for the modification of an
13 existing decree.

14 ~~((+9+))~~ (10) Delinquent support payments accrued under an order for
15 temporary support remain collectible and are not extinguished when a
16 final decree is entered unless the decree contains specific language to
17 the contrary. A support debt under a temporary order owed to the state
18 for public assistance expenditures shall not be extinguished by the
19 final decree if:

20 (a) The obligor was given notice of the state's interest under
21 chapter 74.20A RCW; or

22 (b) The temporary order directs the obligor to make support
23 payments to the office of support enforcement or the Washington state
24 support registry.

25 **Sec. 28.** RCW 26.10.040 and 1994 sp.s. c 7 s 453 are each amended
26 to read as follows:

27 In entering an order under this chapter, the court shall consider,
28 approve, or make provision for:

29 (1) Child custody, visitation, and the support of any child
30 entitled to support;

31 (2) The allocation of the children as a federal tax exemption;
32 ~~((and))~~

33 (3) Any necessary continuing restraining orders, including the
34 provisions contained in RCW 9.41.800;

35 (4) A domestic violence protection order under chapter 26.50 RCW or
36 an antiharassment protection order under chapter 10.14 RCW. The court
37 may grant any of the relief provided in RCW 26.50.060 except relief
38 pertaining to residential provisions for the children which provisions

1 shall be provided for under this chapter, and any of the relief
2 provided in RCW 10.14.080;

3 (5) Restraining orders issued under this section restraining the
4 person from molesting or disturbing another party or from going onto
5 the grounds of or entering the home, workplace, or school of the other
6 party or the day care or school of any child shall bear the legend:
7 VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL
8 OFFENSE UNDER CHAPTER 26.10 RCW AND WILL SUBJECT A VIOLATOR TO ARREST;

9 (6) The court shall order that any restraining order bearing a
10 criminal offense legend, any domestic violence protection order, or any
11 antiharassment protection order granted under this section be forwarded
12 by the clerk of the court on or before the next judicial day to the
13 appropriate law enforcement agency specified in the order. Upon
14 receipt of the order, the law enforcement agency shall forthwith enter
15 the order into any computer-based criminal intelligence information
16 system available in this state used by law enforcement agencies to list
17 outstanding warrants. Entry into the law enforcement information
18 system constitutes notice to all law enforcement agencies of the
19 existence of the order. The order is fully enforceable in any county
20 in the state.

21 **Sec. 29.** RCW 26.10.115 and 1994 sp.s. c 7 s 454 are each amended
22 to read as follows:

23 (1) In a proceeding under this chapter either party may file a
24 motion for temporary support of children entitled to support. The
25 motion shall be accompanied by an affidavit setting forth the factual
26 basis for the motion and the amount requested.

27 (2) In a proceeding under this chapter either party may file a
28 motion for a temporary restraining order or preliminary injunction,
29 providing relief proper in the circumstances, and restraining or
30 enjoining any person from:

31 (a) Molesting or disturbing the peace of the other party or of any
32 child;

33 (b) Entering the family home or the home of the other party upon a
34 showing of the necessity therefor;

35 (c) Removing a child from the jurisdiction of the court.

36 (3) Either party may request a domestic violence protection order
37 under chapter 26.50 RCW or an antiharassment protection order under
38 chapter 10.14 RCW on a temporary basis. The court may grant any of the

1 relief provided in RCW 26.50.060 except relief pertaining to
2 residential provisions for the children which provisions shall be
3 provided for under this chapter, and any of the relief provided in RCW
4 10.14.080. Ex parte orders issued under this subsection shall be
5 effective for a fixed period not to exceed fourteen days, or upon court
6 order, not to exceed twenty-four days if necessary to ensure that all
7 temporary motions in the case can be heard at the same time.

8 (4) In issuing the order, the court shall consider the provisions
9 of RCW 9.41.800.

10 ~~((4))~~ (5) The court may issue a temporary restraining order
11 without requiring notice to the other party only if it finds on the
12 basis of the moving affidavit or other evidence that irreparable injury
13 could result if an order is not issued until the time for responding
14 has elapsed.

15 ~~((5))~~ (6) The court may issue a temporary restraining order or
16 preliminary injunction and an order for temporary support in such
17 amounts and on such terms as are just and proper in the circumstances.

18 ~~((6))~~ (7) Restraining orders issued under this section
19 restraining the person from molesting or disturbing another party or
20 from ~~((entering a party's home))~~ going onto the grounds of or entering
21 the home, workplace, or school of the other party or the day care or
22 school of any child shall bear the legend: VIOLATION OF THIS ORDER
23 WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER
24 26.10 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

25 ~~((7))~~ (8) The court ~~((may))~~ shall order that any temporary
26 restraining order bearing a criminal offense legend, any domestic
27 violence protection order, or any antiharassment protection order
28 granted under this section be forwarded by the clerk of the court on or
29 before the next judicial day to the appropriate law enforcement agency
30 specified in the order. Upon receipt of the order, the law enforcement
31 agency shall forthwith enter the order ~~((for one year))~~ into any
32 computer-based criminal intelligence information system available in
33 this state used by law enforcement agencies to list outstanding
34 warrants. Entry into the law enforcement information system
35 constitutes notice to all law enforcement agencies of the existence of
36 the order. The order is fully enforceable in any county in the state.

37 ~~((8))~~ (9) A temporary order, temporary restraining order, or
38 preliminary injunction:

1 (a) Does not prejudice the rights of a party or any child which are
2 to be adjudicated at subsequent hearings in the proceeding;

3 (b) May be revoked or modified;

4 (c) Terminates when the final order is entered or when the motion
5 is dismissed;

6 (d) May be entered in a proceeding for the modification of an
7 existing order.

8 ~~((+9+))~~ (10) A support debt owed to the state for public assistance
9 expenditures which has been charged against a party pursuant to RCW
10 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
11 extinguished by, the final decree or order, unless the office of
12 support enforcement has been given notice of the final proceeding and
13 an opportunity to present its claim for the support debt to the court
14 and has failed to file an affidavit as provided in this subsection.
15 Notice of the proceeding shall be served upon the office of support
16 enforcement personally, or by certified mail, and shall be given no
17 fewer than thirty days prior to the date of the final proceeding. An
18 original copy of the notice shall be filed with the court either before
19 service or within a reasonable time thereafter. The office of support
20 enforcement may present its claim, and thereby preserve the support
21 debt, by filing an affidavit setting forth the amount of the debt with
22 the court, and by mailing a copy of the affidavit to the parties or
23 their attorney prior to the date of the final proceeding.

24 **Sec. 30.** RCW 26.26.130 and 1994 sp.s. c 7 s 455 are each amended
25 to read as follows:

26 (1) The judgment and order of the court determining the existence
27 or nonexistence of the parent and child relationship shall be
28 determinative for all purposes.

29 (2) If the judgment and order of the court is at variance with the
30 child's birth certificate, the court shall order that an amended birth
31 certificate be issued.

32 (3) The judgment and order shall contain other appropriate
33 provisions directed to the appropriate parties to the proceeding,
34 concerning the duty of current and future support, the extent of any
35 liability for past support furnished to the child if that issue is
36 before the court, the furnishing of bond or other security for the
37 payment of the judgment, or any other matter in the best interest of
38 the child. The judgment and order may direct the father to pay the

1 reasonable expenses of the mother's pregnancy and confinement. The
2 judgment and order may include a continuing restraining order or
3 injunction. In issuing the order, the court shall consider the
4 provisions of RCW 9.41.800.

5 (4) Support judgment and orders shall be for periodic payments
6 which may vary in amount. The court may limit the father's liability
7 for the past support to the child to the proportion of the expenses
8 already incurred as the court deems just. The court shall not limit or
9 affect in any manner the right of nonparties including the state of
10 Washington to seek reimbursement for support and other services
11 previously furnished to the child.

12 (5) After considering all relevant factors, the court shall order
13 either or both parents to pay an amount determined pursuant to the
14 schedule and standards contained in chapter 26.19 RCW.

15 (6) On the same basis as provided in chapter 26.09 RCW, the court
16 shall make residential provisions with regard to minor children of the
17 parties, except that a parenting plan shall not be required unless
18 requested by a party.

19 (7) In any dispute between the natural parents of a child and a
20 person or persons who have (a) commenced adoption proceedings or who
21 have been granted an order of adoption, and (b) pursuant to a court
22 order, or placement by the department of social and health services or
23 by a licensed agency, have had actual custody of the child for a period
24 of one year or more before court action is commenced by the natural
25 parent or parents, the court shall consider the best welfare and
26 interests of the child, including the child's need for situation
27 stability, in determining the matter of custody, and the parent or
28 person who is more fit shall have the superior right to custody.

29 (8) In entering an order under this chapter, the court may issue
30 any necessary continuing restraining orders, including the restraint
31 provisions of domestic violence protection orders under chapter 26.50
32 RCW or antiharassment protection orders under chapter 10.14 RCW.

33 (9) Restraining orders issued under this section restraining the
34 person from molesting or disturbing another party or from going onto
35 the grounds of or entering the home, workplace, or school of the other
36 party or the day care or school of any child shall bear the legend:
37 VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL
38 OFFENSE UNDER CHAPTER 26.26 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

1 (10) The court shall order that any restraining order bearing a
2 criminal offense legend, any domestic violence protection order, or any
3 antiharassment protection order granted under this section be forwarded
4 by the clerk of the court on or before the next judicial day to the
5 appropriate law enforcement agency specified in the order. Upon
6 receipt of the order, the law enforcement agency shall forthwith enter
7 the order into any computer-based criminal intelligence information
8 system available in this state used by law enforcement agencies to list
9 outstanding warrants. Entry into the law enforcement information
10 system constitutes notice to all law enforcement agencies of the
11 existence of the order. The order is fully enforceable in any county
12 in the state.

13 **Sec. 31.** RCW 26.26.137 and 1994 sp.s. c 7 s 456 are each amended
14 to read as follows:

15 (1) If the court has made a finding as to the paternity of a child,
16 or if a party's acknowledgment of paternity has been filed with the
17 court, or a party alleges he is the father of the child, any party may
18 move for temporary support for the child prior to the date of entry of
19 the final order. The motion shall be accompanied by an affidavit
20 setting forth the factual basis for the motion and the amounts
21 requested.

22 (2) Any party may request the court to issue a temporary
23 restraining order or preliminary injunction, providing relief proper in
24 the circumstances, and restraining or enjoining any party from:

25 (a) Molesting or disturbing the peace of another party;

26 (b) ~~((Entering the home))~~ Going onto the grounds of or entering the
27 home, workplace, or school of another party or the day care or school
28 of any child; or

29 (c) Removing a child from the jurisdiction of the court.

30 (3) Either party may request a domestic violence protection order
31 under chapter 26.50 RCW or an antiharassment protection order under
32 chapter 10.14 RCW on a temporary basis. The court may grant any of the
33 relief provided in RCW 26.50.060 except relief pertaining to
34 residential provisions for the children which provisions shall be
35 provided for under this chapter, and any of the relief provided in RCW
36 10.14.080. Ex parte orders issued under this subsection shall be
37 effective for a fixed period not to exceed fourteen days, or upon court

1 order, not to exceed twenty-four days if necessary to ensure that all
2 temporary motions in the case can be heard at the same time.

3 (4) Restraining orders issued under this section restraining the
4 person from molesting or disturbing another party or from going onto
5 the grounds of or entering the home, workplace, or school of the other
6 party or the day care or school of any child shall bear the legend:
7 VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL
8 OFFENSE UNDER CHAPTER 26.26 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

9 (5) The court shall order that any temporary restraining order
10 bearing a criminal offense legend, any domestic violence protection
11 order, or any antiharassment protection order granted under this
12 section be forwarded by the clerk of the court on or before the next
13 judicial day to the appropriate law enforcement agency specified in the
14 order. Upon receipt of the order, the law enforcement agency shall
15 forthwith enter the order into any computer-based criminal intelligence
16 information system available in this state used by law enforcement
17 agencies to list outstanding warrants. Entry into the law enforcement
18 information system constitutes notice to all law enforcement agencies
19 of the existence of the order. The order is fully enforceable in any
20 county in the state.

21 (6) The court may issue a temporary restraining order without
22 requiring notice to the other party only if it finds on the basis of
23 the moving affidavit or other evidence that irreparable injury could
24 result if an order is not issued until the time for responding has
25 elapsed.

26 ~~((+4))~~ (7) The court may issue a temporary restraining order or
27 preliminary injunction and an order for temporary support in such
28 amounts and on such terms as are just and proper in the circumstances.
29 In issuing the order, the court shall consider the provisions of RCW
30 9.41.800.

31 ~~((+5))~~ (8) A temporary order, temporary restraining order, or
32 preliminary injunction:

33 (a) Does not prejudice the rights of a party or any child which are
34 to be adjudicated at subsequent hearings in the proceeding;

35 (b) May be revoked or modified;

36 (c) Terminates when the final order is entered or when the petition
37 is dismissed; and

38 (d) May be entered in a proceeding for the modification of an
39 existing order.

1 (~~(6)~~) (9) A support debt owed to the state for public assistance
2 expenditures which has been charged against a party pursuant to RCW
3 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise
4 extinguished by, the final decree or order, unless the office of
5 support enforcement has been given notice of the final proceeding and
6 an opportunity to present its claim for the support debt to the court
7 and has failed to file an affidavit as provided in this subsection.
8 Notice of the proceeding shall be served upon the office of support
9 enforcement personally, or by certified mail, and shall be given no
10 fewer than thirty days prior to the date of the final proceeding. An
11 original copy of the notice shall be filed with the court either before
12 service or within a reasonable time thereafter. The office of support
13 enforcement may present its claim, and thereby preserve the support
14 debt, by filing an affidavit setting forth the amount of the debt with
15 the court, and by mailing a copy of the affidavit to the parties or
16 their attorney prior to the date of the final proceeding.

17 NEW SECTION. **Sec. 32.** A new section is added to chapter 26.26 RCW
18 to read as follows:

19 (1) Whenever a restraining order is issued under this chapter, and
20 the person to be restrained knows of the order, a violation of the
21 provisions restricting the person from acts or threats of violence or
22 of a provision excluding the person from the residence is a
23 misdemeanor.

24 (2) A person is deemed to have notice of a restraining order if:

25 (a) The person to be restrained or the person's attorney signed the
26 order;

27 (b) The order recites that the person to be restrained or the
28 person's attorney appeared in person before the court;

29 (c) The order was served upon the person to be restrained; or

30 (d) The peace officer gives the person oral or written evidence of
31 the order by reading from it or handing to the person a certified copy
32 of the original order, certified to be an accurate copy of the original
33 by a notary public or by the clerk of the court.

34 (3) A peace officer shall verify the existence of a restraining
35 order by:

36 (a) Obtaining information confirming the existence and terms of the
37 order from a law enforcement agency; or

1 (b) Obtaining a certified copy of the order, certified to be an
2 accurate copy of the original by a notary public or by the clerk of the
3 court.

4 (4) A peace officer shall arrest and take into custody, pending
5 release on bail, personal recognizance, or court order, a person
6 without a warrant when the officer has probable cause to believe that:

7 (a) A restraining order has been issued under this chapter;

8 (b) The respondent or person to be restrained knows of the order;
9 and

10 (c) The person to be arrested has violated the terms of the order
11 restraining the person from acts or threats of violence or excluding
12 the person from the residence.

13 (5) It is a defense to prosecution under subsection (1) of this
14 section that the court order was issued contrary to law or court rule.

15 (6) No peace officer may be held criminally or civilly liable for
16 making an arrest under subsection (4) of this section if the officer
17 acts in good faith and without malice.

18 NEW SECTION. **Sec. 33.** A new section is added to chapter 26.50 RCW
19 to read as follows:

20 (1) Any order available under this chapter may be issued in actions
21 under chapter 26.09, 26.10, or 26.26 RCW.

22 (2) An order for protection available under this chapter that is
23 issued in any action under chapter 26.09, 26.10, or 26.26 RCW shall be
24 issued on the forms mandated by RCW 26.50.035(1).

25 (3) Any order for protection issued in any action under chapter
26 26.09, 26.10, or 26.26 RCW and issued on the form mandated in RCW
27 26.50.035(1) is fully enforceable and shall be enforced under the
28 provisions of this chapter.

29 **Sec. 34.** RCW 4.24.130 and 1992 c 30 s 1 are each amended to read
30 as follows:

31 (1) Any person desiring a change of his or her name or that of his
32 or her child or ward, may apply therefor to the district court of the
33 judicial district in which he or she resides, by petition setting forth
34 the reasons for such change; thereupon such court in its discretion may
35 order a change of the name and thenceforth the new name shall be in
36 place of the former.

1 The district court shall collect the fees authorized by RCW
2 36.18.010 for filing and recording a name change order, and transmit
3 the fee and the order to the county auditor. The court may collect a
4 reasonable fee to cover the cost of transmitting the order to the
5 county auditor.

6 (2) Name change petitions may be filed and shall be heard in
7 superior court when the person desiring a change of his or her name or
8 that of his or her child or ward is a victim of domestic violence as
9 defined in RCW 26.50.010(1) and the person seeks to have the name
10 change file sealed due to reasonable fear for his or her safety or that
11 of his or her child or ward. Upon granting the name change, the
12 superior court shall seal the file if the court finds that the safety
13 of the person seeking the name change or his or her child or ward
14 warrants sealing the file. In all cases filed under this subsection,
15 whether or not the name change petition is granted, there shall be no
16 public access to any court record of the petitioner's former or new
17 names, unless the name change is granted but the file is not sealed.

18 NEW SECTION. Sec. 35. A new section is added to chapter 10.14 RCW
19 to read as follows:

20 Any order available under this chapter may be issued in actions
21 under chapter 26.09, 26.10, or 26.26 RCW. An order available under
22 this chapter that is issued under those chapters shall be fully
23 enforceable and shall be enforced pursuant to the provisions of this
24 chapter.

25 **Sec. 36.** RCW 10.14.080 and 1994 sp.s. c 7 s 448 are each amended
26 to read as follows:

27 (1) Upon filing a petition for a civil antiharassment protection
28 order under this chapter, the petitioner may obtain an ex parte
29 temporary antiharassment protection order. An ex parte temporary
30 antiharassment protection order may be granted with or without notice
31 upon the filing of an affidavit which, to the satisfaction of the
32 court, shows reasonable proof of unlawful harassment of the petitioner
33 by the respondent and that great or irreparable harm will result to the
34 petitioner if the temporary antiharassment protection order is not
35 granted.

36 (2) An ex parte temporary antiharassment protection order shall be
37 effective for a fixed period not to exceed fourteen days or twenty-four

1 days if the court has permitted service by publication under RCW
2 10.14.085. The ex parte order may be reissued. A full hearing, as
3 provided in this chapter, shall be set for not later than fourteen days
4 from the issuance of the temporary order or not later than twenty-four
5 days if service by publication is permitted. Except as provided in RCW
6 10.14.070 and 10.14.085, the respondent shall be personally served with
7 a copy of the ex parte order along with a copy of the petition and
8 notice of the date set for the hearing.

9 (3) At the hearing, if the court finds by a preponderance of the
10 evidence that unlawful harassment exists, a civil antiharassment
11 protection order shall issue prohibiting such unlawful harassment.

12 (4) An order issued under this chapter shall be effective for not
13 more than one year unless the court finds that the respondent is likely
14 to resume unlawful harassment of the petitioner when the order expires.
15 If so, the court may enter an order for a fixed time exceeding one year
16 or may enter a permanent antiharassment protection order. The court
17 shall not enter an order that is effective for more than one year if
18 the order restrains the respondent from contacting the respondent's
19 minor children. This limitation is not applicable to civil
20 antiharassment protection orders issued under chapter 26.09, 26.10, or
21 26.26 RCW. If the petitioner seeks relief for a period longer than one
22 year on behalf of the respondent's minor children, the court shall
23 advise the petitioner that the petitioner may apply for renewal of the
24 order as provided in this chapter or if appropriate may seek relief
25 pursuant to chapter 26.09 or 26.10 RCW.

26 (5) At any time within the three months before the expiration of
27 the order, the petitioner may apply for a renewal of the order by
28 filing a petition for renewal. The petition for renewal shall state
29 the reasons why the petitioner seeks to renew the protection order.
30 Upon receipt of the petition for renewal, the court shall order a
31 hearing which shall be not later than fourteen days from the date of
32 the order. Except as provided in RCW 10.14.085, personal service shall
33 be made upon the respondent not less than five days before the hearing.
34 If timely service cannot be made the court shall set a new hearing date
35 and shall either require additional attempts at obtaining personal
36 service or permit service by publication as provided by RCW 10.14.085.
37 If the court permits service by publication, the court shall set the
38 new hearing date not later than twenty-four days from the date of the
39 order. If the order expires because timely service cannot be made the

1 court shall grant an ex parte order of protection as provided in this
2 section. The court shall grant the petition for renewal unless the
3 respondent proves by a preponderance of the evidence that the
4 respondent will not resume harassment of the petitioner when the order
5 expires. The court may renew the protection order for another fixed
6 time period or may enter a permanent order as provided in subsection
7 (4) of this section.

8 (6) The court, in granting an ex parte temporary antiharassment
9 protection order or a civil antiharassment protection order, shall have
10 broad discretion to grant such relief as the court deems proper,
11 including an order:

12 (a) Restraining the respondent from making any attempts to contact
13 the petitioner;

14 (b) Restraining the respondent from making any attempts to keep the
15 petitioner under surveillance;

16 (c) Requiring the respondent to stay a stated distance from the
17 petitioner's residence and workplace; and

18 (d) Considering the provisions of RCW 9.41.800.

19 (7) A petitioner may not obtain an ex parte temporary
20 antiharassment protection order against a respondent if the petitioner
21 has previously obtained two such ex parte orders against the same
22 respondent but has failed to obtain the issuance of a civil
23 antiharassment protection order unless good cause for such failure can
24 be shown.

25 (8) The court order shall specify the date an order issued pursuant
26 to subsections (4) and (5) of this section expires if any. The court
27 order shall also state whether the court issued the protection order
28 following personal service or service by publication and whether the
29 court has approved service by publication of an order issued under this
30 section.

31 NEW SECTION. **Sec. 37.** The office of the administrator of the
32 courts shall report to the appropriate standing committees of the
33 legislature at the beginning of the 1996 legislative session on the
34 status of the work required under section 18 of this act.

--- END ---